

REMARKS

By this Amendment, claims 16-18 are amended. Claims 1-3 and 5-14 remain in the application. Thus, claims 1-3, 5-14 and 16-18 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

The Applicants thank the Examiner for kindly allowing claims 1-3 and 5-14 in item 4 on page 3 of the Office Action.

In item 2 on page 2 of the Office Action, the Examiner withdrew the art rejections of claims 16-18, acknowledging that the limitations recited in claims 16-18 are patentable over the art of record.

However, in item 3 on page 2 of the Office Action, claims 16-18 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

In rejecting claims 16-18, the Examiner referenced MPEP 2106(IV)(B)(1)(a), which provides

Data structures not claimed as embodied in computer-readable medium are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer....Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. (citations omitted)

The Applicants respectfully submit that the distribution content recited in claim 16 is indeed recited as being embodied in a computer-readable medium, as the preamble of claim 16 recites that the data structure of the distribution content “is embodied in a processor readable memory.” The Applicants respectfully submit that a processor readable memory is a “computer-readable medium,” because a processor is able to read the data structure from the memory, and perform operations with the read data structure to permit the data structure's functionality to be realized. Furthermore, such operations undoubtedly cause a functional change in the processor.

Nevertheless, claim 16 has been amended to define that the distribution content is embodied in a processor readable memory of a terminal. Furthermore, to more clearly recite how the distribution content's functionality is permitted to be realized, claim 16 has been further amended to recite that the plurality of management tracks are each selectable by the terminal according to a corresponding one of the plurality of different uses,

wherein when the terminal selects one of the plurality of management tracks according to one of the plurality of different uses, the terminal is operable to reproduce, according to the selected management track, the specific section of the content body.

Accordingly, the above amendments to claim 16 clearly define structural and functional interrelationships between the data structure of the distribution content and the terminal's components which permit the functionality of the data structure of the distribution content to be realized.

Therefore, the Applicants respectfully submit that claim 16, as amended, clearly recites patentable subject matter under 35 U.S.C. § 101. Similarly, dependent claims 17-18 recite patentable subject matter by further defining the data structure of the distribution content embodied in the processor readable memory of the terminal.

Accordingly, since claims 16-18 recite patentable subject matter under 35 U.S.C. 101, the Applicants respectfully submit that claims 16-18 are clearly in condition for allowance.

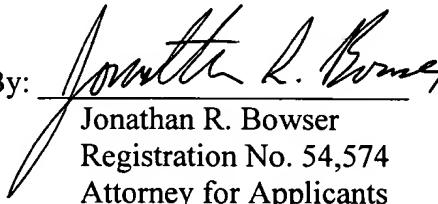
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

In the event that the Examiner believes that the application cannot be passed to issue and the issues remaining cannot be resolved by contacting the undersigned by telephone, the Applicants respectfully request the Examiner to issue an Advisory Action prior to the expiration of the statutory period for responding to the Office Action.

Respectfully submitted,

Yuko TSUSAKA et al.

By: 
Jonathan R. Bowser
Registration No. 54,574
Attorney for Applicants

JRB/nrj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
May 25, 2006